

FILED

JAN 25 2007

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

No. CR 06-0144 JSW (JL)

Plaintiff,

v.

**REPORT AND RECOMMENDATION RE:
POTENTIAL CONFLICT OF INTEREST**

RENATO MEDINA, ET AL.,

Defendants.

On October 31, 2006, Judge White, the presiding judge in the above-entitled matter, referred to this court the government's motion for inquiry into potential conflict of interest. The potential conflict relates to the fact that attorney's fees for defendants Phyllis Reyes Cuison and Rawlin Reyes were being paid by their employer, alleged co-conspirator Renato Medina.

On December 14, 2006, the court conducted a hearing on the matter with reference to *Wood v. Georgia*, 450 U.S. 261 (1981) and *Quintero v. United States*, 33 F.3d 1133 (9th Cir. 1994). Assistant United States Attorneys Jay Weill and Cynthia Stier appeared for the government, and Ms. Ann Moorman appeared for Ms. Cuison and Lydia Stiglich appeared for Mr. Reyes.

1 The parties agreed that it would be appropriate for each defendant and counsel to
2 file under seal a declaration reflecting their acknowledgment of their rights to conflict - free
3 counsel, their desire to proceed with Ms. Moorman and Ms. Stiglich, respectively, and
4 waiving any potential claim of conflict of interest.

5 Subsequently, the Court received appropriate declarations and filed them under
6 seal.

7 Accordingly, this Court recommends that Judge White find that there is no current
8 conflict of interest and that defendant's Cuison and Reyes have waived any potential
9 conflict.

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11 DATED: 1-25-07


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13 JAMES LARSON
United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNDER SEAL-UNDER SEAL et al,
Plaintiff,

Case Number: CR06-00144 JSW

CERTIFICATE OF SERVICE

v.

UNDER SEAL-UNDER SEAL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 25, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lidia S. Stiglich
Stiglich & Hinckley
1306 Pine St
Walnut Creek, CA 94596

Ann C. Moorman
803 Hearst Avenue
Berkeley, CA 94710

Jay Weill, AUSA
U.S. Attorney's Office
450 Golden Gate Avenue, 10th Flr
San Francisco, CA 94102

Dated: January 25, 2007

Richard W. Wicking, Clerk
By: Venice Thomas, Deputy Clerk